UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

JOHNNY L. McGOWAN, JR.]	
Petitioner,]	
]	
V.]	No. 3:07-0355
]	Judge Campbell
WARDEN JAMES R. WORTHINGTON]	
Respondent.]	

ORDER

In accordance with the Memorandum contemporaneously entered, the Court finds that this action was untimely filed. Therefore, the petition for writ of habeas corpus is DENIED and this action is hereby DISMISSED. Rule 4, Rules - - § 2254 Cases.

Should the petitioner file a timely Notice of Appeal, such Notice shall be treated as an Application for a Certificate of Appealability, 28 U.S.C. § 2253(c), which will NOT issue because the petitioner is unable to make a substantial showing of the denial of a constitutional right.

It is so ORDERED.

Todd Campbell

United States District Judge

Campbell